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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,875	05/10/2001	Marcos Esternan JR.	10005691-1	5142

7590

09/14/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,875

Applicant(s)

ESTERMAN, MARCOS

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/21/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-11 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Byford (GB 2327565).

4. Byford is a prior art cited by Applicant on form 1449, filed on 1/21/03.

5. As per claims 1 and 10, Byford teaches an apparatus for initiating a document download [p. 2, lines 22-30] comprising:

a memory with document download instructions stored therein [p. 5, line 25; p. 6, lines 34-36];

a wireless transmitter linked to said memory for transmitting downloading instructions [i.e., URL] via a wireless protocol [p. 6, lines 25-36]; and

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an activation switch [i.e., it is obvious that a user mobile terminal or a portable web browser device includes an activation switch, p. 2, lines 23; p. 9, lines 30] for causing said wireless transmitter to retrieve said document download instructions from said memory and to transmit said document download instructions via a wireless protocol [p. 2, lines 23; p. 5, lines 23-27; p. 9, lines 30-33].

6. As per claim 2, Byford teaches said document download instructions comprise at least a network address [i.e., URL for WWW page] corresponding to a network based document source [p. 6, lines 14-15; p. 6, line 39 – p. 7, line 2].

7. As per claim 3, Byford teaches the network address comprises an Internet protocol address corresponding to a data file containing a document [p. 6, line 39 – p. 7, line 2; p. 8, lines 22-30].

8. As per claim 4, Byford teaches the download instructions comprise computer executable instructions for execution by a processor based device to cause said processor based device to locate a data file on a network at a network address as specified by said download instructions and to download said data file to said processor based device [p. 6, line 19 – p. 7, line 6].

9. As per claim 5, Byford teaches the processor based device comprises a printer connected to a network, and wherein said download instructions further comprises

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computer executable instructions for printing a document contained in said data file [inherent, p. 4, lines 14-28].

10. As per claim 6, Byford teaches said wireless protocol has an operating range of 3 meters or less [p. 6, lines 25-27].

11. As per claims 7 and 8, Byford teaches the apparatus further comprises a power supply for powering said memory and said transmitter [inherent, p. 2, lines 23; p. 5, lines 23-27; p. 9, lines 30-33].

12. As per claim 11, Byford teaches the memory further comprises a unique product identity code stored therein, said unique identity code transmitted with said download instructions by said transmitter [p. 7, lines 39-41; p. 8, lines 22-30].

13. As per claims 13-17, since they are computer program claims of claims 1-6, they are rejected for the same basis as claims 1-6 above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byford (GB 2327565) as applied to claims 1-8, 10-11 and 13-17 above.

16. As per claim 9, Byford teaches the invention substantially as claimed in claim 1. Byford does not specifically the shell was attached to a product. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the shell attached to the product in Byford's sytem because doing so would enable users locate the downloading device easier. One of ordinary skill in the art would have been motivated to modify Byford's system to bring convenience to users.

17. As per claim 12, Byford teaches the invention substantially as claimed including an apparatus for causing a processor based device to download a document, the apparatus connectable to a product [p. 2, lines 22-30], the apparatus comprising:

a memory with document download instructions stored therein, said document download instructions comprising processor executable instructions for causing the processor based device to locate a data file stored on a network accessible storage device, said data file containing a document corresponding to the product, said instructions for causing said processor based device to download said data file from said storage device to the processor based device [p. 5, line 25; p. 6, lines 25-36];

a short range wireless transmitter linked to said memory for transmitting said download instructions via a wireless protocol to the processor based device, said

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wireless transmitter having an operable range of not more than about 10 meters [p. 6, lines 25-27];

a DC power source linked to said memory and linked to said transmitter, said DC power source for powering said memory and said transmitter, a shell containing said memory, said DC power source, and said transmitter, an activation switch for causing said wireless transmitter to transmit said document download instructions to the processor based device, said activation switch penetrating said shell [p. 2, lines 23; p. 5, lines 23-27; p. 9, lines 30-33];

18. Byford does not specifically teach the shell having connection means for connection to the product. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the shell attached to the product in Byford's system because doing so would enable users locate the downloading device easier. One of ordinary skill in the art would have been motivated to modify Byford's system to bring convenience to users.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Suzuki (US 6,493,743) discloses PDA system for downloading file; and

Criss et al. (US 6,735,434) discloses wireless system for updating software.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 1, 2004

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100